

**City of Kingston****Property Listing - Section 357(1) Tax Adjustments**

Application Number	Roll Number	Property Location	From	To	Reason for Adjustment	Property Tax Class	Assessed Value	Amount of Tax Cancellation
<b>Section 357(1) Applications</b>								
1554	040.060.00100.0000	46 Cowdy St	21-May-18	31-Dec-18	357(1)(d) Fire, Demo	RTEP	296,457	\$ 2,484.21
1556	040.010.01200.0000	630 John Counter Blvd	27-Jul-18	31-Dec-18	357(1)(c) Became Exempt	RTEP E N	187,000 (183,819)	\$ 1,100.38
1567	090.060.19700.0000	28 Rudd Ave	11-Jul-18	31-Dec-18	357(1)(d) Fire, Demo	RTEP	95,115	\$ 559.09
1569	080.170.22900.0000	887 Woodbine Rd	1-Jan-18	31-Dec-18	357(1)(d) Fire, Demo	CTN CXN	233,000 (181,222)	\$ 3,698.26
1570	050.060.08800.0000	78 Connaught St	23-Jul-18	31-Dec-18	357(1)(d) Fire, Demo	RTEP	44,000	\$ 265.46
1573	090.080.05700.0000	871 Lasalle Blvd	1-Sep-18	31-Dec-18	357(1)(c) Became Exempt	RTEP E N	451,000 (433,426)	\$ 1,858.77
1575	010.110.03480.0000	184 Bagot St	1-Sep-18	31-Dec-18	357(1)(a) Class Change	GTN RTEP	318,125 (332,263)	\$ 2,390.20
1579	040.030.11400.0000	306-308 Montreal St	1-Apr-18	31-Dec-18	357(1)(a) Class Change	CTN RTEP	60,524 (60,547)	\$ 1,052.35
<b>Total</b>								<b>\$ 13,408.72</b>
<b><u>Distribution of Amounts</u></b>								
Municipal Portion								\$ 9,402.01
School Portion								\$ 4,006.71
<b>Total</b>								<b>\$ 13,408.72</b>



## Flag Display Policy

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Policy Number	POL-20
Effective	October 04 2017
Review Date	Not scheduled
Final Approver	Council
Training Course Code	Not applicable
Document State	<b>CURRENT</b>

### 1.0 Purpose

The purpose of the policy is to ensure that all flags on City property are displayed in a consistent and appropriate manner. This policy provides guidelines for receiving and considering the approval of requests from the public to display a flag on City property. Flag-raising (the ceremonial raising of a flag or pennant) shall enhance public awareness of activities such as national holidays, multicultural events and fundraising drives, which may occur with or without a ceremonial event.

### 2.0 Persons Affected

2.1 This policy applies to all employees including:

- 2.1.1 Council;
- 2.1.2 the Clerk;
- 2.1.3 the Mayor;
- 2.1.4 the CAO; and
- 2.1.5 the Director of Facilities Management & Construction Services.

### 3.0 Policy Statement

3.1 It is the policy of the City to ensure that:

- 3.1.1 flags shall be displayed on City property on a permanent or temporary basis to mark special occasions, as approved by the Clerk and in accordance with this policy;
- 3.1.2 a request to display a flag on City property shall be considered for approval by the following applicants:

- i. a non-profit or community organization; and
  - ii. the Canadian Forces Base Commander, or delegate, as part of a retirement ceremony of a soldier stationed at the Canadian Forces Base Kingston with service of at least 25 years.
- 3.1.3 a request to display a flag on City property shall be considered for approval when all of the following criteria have been met:
- i. the related activities support residents or events in Kingston such as a public awareness campaign and foster a sense of community;
  - ii. the related activities or subject matter demonstrates respect and tolerance for all Kingston residents;
  - iii. the request is received by the Clerk at least four weeks prior to the requested display date;
  - iv. the related flag is provided to the Clerk by the applicant at least five days prior to the requested display date; and
  - v. the request complies with this policy and the law.
- 3.1.4 a request to display a flag on City property shall be automatically disqualified when the subject matter promotes ideological, religious or other beliefs that promote hate; is contrary to any law; or is a Corporate Sponsorship;

### **First Capital Place**

- 3.1.5 the three flags displayed in **Confederation Park** shall be the flags of The Province of Ontario, The Government of Canada and the City and shall be displayed in that order from left to right, when viewed from City Hall. The City flag, as prescribed by the Visual Identity Policy, may be replaced, upon request and as approved by the Clerk, for a maximum of one day. The flags of The Government of Ontario and The Government of Canada shall be displayed permanently and shall not be replaced, unless approved by Council. Council may approve requests to replace any of the three flags with flags that are recognized by the Federal Department of Foreign Affairs;
- 3.1.6 the 13 flags displayed in **Flora MacDonald Confederation Basin** shall be the flags of Canadian provinces and territories and shall be displayed from left to right, when viewed from City Hall, based on the earliest to latest day on which the province or territory joined the Canadian Confederation, in the following order: The Province of Ontario; The Province of Quebec; The Province of Nova Scotia; The Province of New

Brunswick; The Province of Manitoba; The Province of British Columbia; The Province of Prince Edward Island; The Province of Saskatchewan; The Province of Alberta; The Province of Newfoundland; The Northwest Territories; The Yukon Territory; and The Nunavut Territory;

- 3.1.7 requests to display a flag indoors shall be permitted only in **Memorial Hall** as part of a facility room booking application approved by the City and in accordance with this policy. The flag may be displayed on any day(s) requested during the event;
- 3.1.8 the two flags displayed on the **roof of City Hall** shall be the flag of The Government of Canada and The Corporation of the City of Kingston;

### **Battery Park**

- 3.1.9 the three flags displayed year round at Battery Park shall be the flags of The Province of Ontario, The Government of Canada and the City;

### **Lion Civic Gardens**

- 3.1.10 the two flags displayed year round at the Lion Civic Gardens shall be the flag of the Government of Canada;

### **Other Locations**

- 3.1.11 flags displayed at all other City facilities or properties not identified in this policy shall be the flags of Canadian provinces or territories, The Government of Canada, the City, the Kingston Police, flags that are recognized by the Federal Department of Foreign Affairs or as otherwise approved by Council;

### **Flag at Half-Mast**

- 3.1.12 the flags of The Government of Canada displayed at City owned facilities and properties shall be lowered to the half-mast position by the City, where feasible to do so, as a sign of mourning upon the death of the following persons:
- i. Her Majesty the Queen and members of Royal Family;
  - ii. a past or current Canadian Prime Minister;
  - iii. a past or current elected representative of The Government of Canada, The Province of Ontario and the City;
  - iv. a past or current member of Council;
  - v. a current City employee;

- vi. a current Kingston Police officer, as requested by the Chief of Police; and
  - vii. a fallen soldier stationed at the Canadian Forces Base Kingston, as requested by the Base Commander or delegate.
- 3.1.13 flags shall be lowered to half-mast for the day before and the day of the funeral. If a memorial service is to be held at a later date, instead of a funeral, the Canadian flags will be lowered to half-mast the two days immediately following the death of the person;
- 3.1.14 flags of The Government of Canada displayed at City owned facilities and properties lowered to the half-mast position shall be approved by:
- i. the Governor General of Canada;
  - ii. the Lieutenant Governor of Ontario;
  - iii. the Mayor
  - iv. Council; or
  - v. the CAO.
- 3.2 The City is not responsible for loss or damage to flags belonging to a third party that are displayed on City property;

### **Employees**

- 3.3 Any employee who breaches this policy may be subject to discipline up to and including dismissal.

## **4.0 Responsibilities**

- 4.1 Council is responsible for:

- 4.1.1 approving and directing compliance with this policy;
- 4.1.2 approving requests to display a flag on City property in accordance with this policy, as received by the Clerk that are outside of the scope of this policy; and
- 4.1.3 approving requests to display The Government of Canada flag at half-mast on City owned properties in accordance with this policy;

- 4.2 The Clerk is responsible for:

- 4.2.1 receiving requests to display a flag on City property from eligible applicants and in accordance with this policy;

- 4.2.2 notifying the applicant when the request has been approved or denied, including a rationale for this decision; and
  - 4.2.3 notifying the Director of Facilities Management & Construction Services when a request has been approved, including instructions on when and how the flag will be displayed.
- 4.3 The Director of Facilities Management & Construction Services is responsible for:
- 4.3.1 ensuring that flag poles and flags, ties and halyards located on City property are in good condition, are inspected regularly and replaced as needed; and
  - 4.3.2 displaying flags on City property as prescribed by this policy and as instructed by the Clerk or Council.
- 4.4 The CAO or the Mayor, in consultation with the Clerk, is responsible for approving requests to display The Government of Canada flag at half-mast on City owned properties in accordance with this policy.

**Breach of Policy**

- 4.5 Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

5.0 Approval Authority

Role	Position	Date Approved
Subject Matter Expert	Deputy Clerk	06/21/2017
Legal Review	Senior Legal Counsel	06/09/2017
Final Approval	Council	10/03/2017

6.0 Revision History

Effective Date	Revision #	Description of Change
18/10/2017	1	Section 3.1.15 delete "as prescribed in section 3.1.13". This will correct inadvertent change that was previously made that restricted the discretion of the Mayor and CAO.

7.0 Appendix

Information for this section has not yet been provided.

**Related Definitions**

CAO - means the person appointed by the City as the Chief Administrative Officer in accordance with section 229 of the Municipal Act, 2001.

City - or Corporation means The Corporation of the City of Kingston.

Clerk - means the person appointed by the City as the Clerk in accordance with section 228(1) of the Municipal Act, 2001.

CMT - means the Corporate Management Team.

Council - means the governing body of the municipality formed and operating under the authority of the Municipal Act, 2001, S.O. 2001, Chapter 25. Council membership is composed of a mayor and twelve councillors. The mayor and councillors are each elected for a four-year term.

First Capital Place - means a central gathering place that includes Memorial Hall, Springer Market Square, Confederation Park, Flora MacDonald Confederation Basin and the roads, sidewalks and buildings which surround and connect the four properties: Brock Street, King Street, Market Street and Ontario Street.

Mayor - means the person appointed by the City as the Head and chief executive officer of the municipality in accordance with section 226(1) of the Municipal Act, 2001.

**By-Law Number 2018-XX**

**A By-Law to Regulate Smoking and Vaporizing in Public Places and Enclosed Workplaces in the City of Kingston, and repeal By-Law Number 2002-231, as amended.**

**Passed:** [Meeting Date]

**Whereas** Section 115 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws regulating the smoking of tobacco in public places and enclosed workplaces within the municipality; and

**Whereas** Section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

**Whereas** it has been determined that second-hand smoke and vapour are a health hazard or discomfort for many inhabitants of and visitors to the City of Kingston; and

**Whereas** the establishment of a community standard of smoke-free public places assists in de-normalizing tobacco, Electronic Cigarette and Cannabis use and promotes a smoke-free and vapour-free culture; and

**Whereas** Section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, as amended, provides that if there is a conflict between a provision of that Act and a provision of another Act, a regulation or a municipal by-law that deals with a matter to which that Act applies, the provision that is more restrictive of the matter to which the Act applies prevails; and

**Whereas** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence; and

**Whereas** Section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

**Therefore** the Council of the Corporation of the City of Kingston enacts as follows:

**1. Definitions:**

For the purposes of this by-law:



**“Cannabis”** has the same meaning as in Subsection 2 (1) of the *Cannabis Act* (Canada);

**"City"** means the Corporation of the City of Kingston;

**"Council”** means the Council of the City;

**“Designated Public Place”** means a Public Place designated pursuant to Section 4.1 of this by-law;

**“Director”** means the Director of Planning, Building and Licensing Services for the City, his or her designate or, in the event of organizational changes, another employee designated by Council.

**“Electronic Cigarette” or “E-Cigarette”** means a Vaporizer or inhalant-type device, whether called an Electronic Cigarette or any other name, that contains a power source and heating element designed to heat a nicotine-based liquid substance or e-substance to produce a vapour intended to be inhaled by the user of the device directly through the mouth;

**“Employee”** includes a Person who:

- (i) performs any work for or supplies any service to an employer;
- (ii) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;
- (iii) receives remuneration for services provided; or
- (iv) is self-employed.

**“Employer”** includes any Person who is the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control over the direction of, or is directly or indirectly responsible for the employment of a Person therein;

**“Enclosed Public Place”** means an enclosed public place as defined in the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3;

**“Enclosed Workplace”** means an enclosed workplace as defined in the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3;

**“E-substance”** means a substance that is manufactured or sold to be used in an Electronic Cigarette, whether or not the substance contains nicotine;

**“Highway”** means any provincial or municipal highway within the geographic limits of the City of Kingston, and includes the sidewalks and all other lands within the lateral boundaries of the highway;

**"Inspector"** means a person appointed by Council as a municipal law enforcement officer to enforce this by-law;

**“Local board”** includes a health unit, a police services commission, a

conservation authority, and a district school board;

**“Municipal Building”** means any building owned, leased or controlled by the City;

**“Outdoor Community Meeting Area”** means the whole or part of any outdoor area owned, leased or controlled by the City to which the public has access by right or invitation, expressed or implied, whether by payment of money or not;

**“Park”** means any land, owned or leased or controlled by the City, designed or used for public recreation, including but not limited to: trails, gardens, playgrounds, Sports Fields, playing fields, Swimming Pools and beach areas;

**“Person”** means a corporation as well as an individual;

**“Proprietor or Other Person in Charge”** means the Person who owns, occupies or operates a Designated Public Place or an Enclosed Workplace to which this by-law applies, or the person who controls, governs, or directs the activities that are carried on in the place, and includes the person who is actually in charge at any particular time;

**“Public Place”** means the whole or part of any building, place or area to which members of the general public are invited or permitted access but does not include any area located on a Highway;

**“Smoke”** and **“Smoking”** include the carrying, holding or inhaling of lighted cannabis, a lighted cigar, cigarette, water-pipe, pipe, or any other lighted smoking equipment;

**“Transfer Point”** means that part of the Kingston Transit passenger transportation system including shelters used by, or intended for the use of, passengers boarding or exiting from a transit vehicle and which is not located on a Highway;

**“Transit Shelter”** means a fully enclosed or partially enclosed waiting area which is intended for use by passengers waiting to use the passenger transportation system and which is located at a Kingston Transit Transfer Point;

**“Vaporizer”** means an inhalant-type device that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains Nicotine, Cannabis or any other substance;

**“Vaporizing,” “Vape”** and **“Vaping”** mean the act of heating and converting Cannabis, an E-substance or any other substance through a Vaporizer or an Electronic Cigarette, for the purpose of simulating the inhalation of smoke.

## 2. Interpretation:

2.1 This by-law applies to the Smoking and Vaporizing of Tobacco, Cannabis, E-Substance, shisha, whether or not it contains Tobacco, and other plant material or oils intended for inhalation in every designated Public Place and in every Enclosed Workplace within the geographic limits of the City of Kingston.

**3. Administration:**

3.1 The City and Kingston, Frontenac and Lennox & Addington Public Health are responsible for the administration and enforcement of this by-law.

**4. Regulations:**

**Public Places**

4.1 The following are Designated Public Places for the purposes of this by-law:

- (i) every place as set out in Section 12 (2) of the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3;
- (ii) a Park;
- (iii) an Outdoor Community Meeting Area;
- (iv) within nine (9) metres of any entrance or exit of a Municipal Building;
- (v) within nine (9) metres of a Transit Shelter located at a Transfer Point including, but not limited to: Cataraqui Centre, Kingston Centre, St. Lawrence College; and
- (vi) within three (3) metres of any entrance or exit of an Enclosed Workplace or Enclosed Public Place;

4.2 No Person shall Smoke or Vaporize in any Designated Public Place, whether or not a “No Smoking” sign or a “No Vaping” sign is posted.

**Enclosed Workplaces**

4.3 For greater clarity, no Person shall Smoke or Vaporize in any Enclosed Workplace, whether or not a “No Smoking” sign or a “No Vaping” sign is posted.

**Duties**

4.4 Every Proprietor or Other Person in Charge of a Designated Public Place or an Enclosed Workplace in which Smoking or

Vaporizing are prohibited shall ensure compliance with this by-law.

## 5. Signs:

- 5.1 Signs shall be posted and maintained in accordance with the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3, and as prescribed by the Director.
- 5.2 Every Proprietor or Other Person in Charge of an Enclosed Workplace or any Enclosed Public Place must ensure that signs, as prescribed by Section 5.1 of this by-law, are posted and maintained in a sufficient number of conspicuous places so as to identify clearly that Smoking and Vaporizing are prohibited within three (3) metres of any entrance or exit, within nine (9) metres of any entrance or exit of a Municipal Building, and, where applicable, within nine (9) metres of a Transit Shelter.
- 5.3 Notwithstanding Section 5.1 of this by-law, the requirement for signs does not apply to the following Designated Public Places:
  - (i) a Park; and
  - (ii) an Outdoor Community Meeting Area.
- 5.4 A reference to a by-law of a former municipality, or to a predecessor to this by-law on any sign that identifies a Designated Public Place or an Enclosed Workplace in which Smoking or Vaporizing are prohibited is deemed to be a reference to this by-law.

## 6. Enforcement:

- 6.1 The provisions of this by-law respecting the prohibition of Smoking and Vaporizing in Designated Public Places and in Enclosed Workplaces, the posting of signs, and the duties imposed on Proprietors or Other Persons in Charge of Designated Public Places and of Enclosed Workplaces will be enforced by Inspectors.
- 6.2 An Inspector may, at any time, enter any Designated Public Place or any Enclosed Workplace in which Smoking and Vaporizing are prohibited to determine whether this by-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.
- 6.3 No Person shall obstruct or hinder or attempt to obstruct or hinder

an Inspector or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.

- 6.4 Where an Inspector has reasonable grounds to believe that an offence under this by-law has been committed by a Person, the Inspector may require the name, address and proof of identity of that Person.
- 6.5 Failure to provide proof of identification satisfactory to an Inspector when requested to do so pursuant to Section 6.4 of this by-law shall constitute obstruction of an Inspector under Section 6.3 of this by-law.

## **7. Offence and Penalty Provisions:**

- 7.1 Every Person, other than a corporation, who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence.
- 7.2 Every corporation that contravenes any provision of this by-law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 7.3 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **8. Validity:**

- 8.1 If there is a conflict between a provision of any Act, regulation or by-law and a provision of this by-law, the provision that is the most restrictive of the Smoking or Vaporizing of tobacco, Cannabis and Electronic Cigarettes prevails.
- 8.2 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

**9. Repeal:**

By-Law Number 2002-231, as amended, of the Corporation of the City of Kingston entitled "A By-Law to Regulate Smoking in Public Places and Workplaces in the City of Kingston" is repealed.

**10. Commencement:**

This by-law shall come into effect upon the date of its passing.

Given all Three Readings and Passed: [Meeting Date]

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**